

Art Unit: 1648

DETAILED ACTION

The response and amendment filed on August 22, 2008 has been noticed and respectively considered. Claims 1, 3-5 and 36-39 have been amended. Claims 6, 40 and 63 have been canceled. Claims 1-5, 7-39, 41-62 are pending.

Because claims 1-5, 7, 36-39, 40-42 are considered to be allowable, claims 8-15, 43-49 are depended on allowable claims, they are rejoined with elected claims 1-5, 7, 36-39 and 41-42. Claims 1-5, 7-15, 36-39, 41-49 in all species of EV1 and EV8 are considered before the examiner.

Claims 16-35, 50-61 were still withdrawn from consideration.

Withdrawn Claim Rejections - 35 USC § 112

The rejection of Claims 1-5, 7 and 36-39, 40-42 under 35 U.S.C. 112, second paragraph has been withdrawn necessitated by Applicants' amendment.

The claims 1-5, 7 and 36-39, 41-42 under 35 U.S.C. 112, first paragraph has been withdrawn necessitated by Applicants' amendment.

Withdrawn Claim Rejections - 35 USC § 102

The rejection of claims 1, 3, 36, 37 under 35 U.S.C. 102(b) as being anticipated by Ferdat et al. (Eksp Onkol 1989, Vol. 11, No. 5, pp. 43-48, Abstract only) has been withdrawn in view of Applicant's amendment and persuasive argument that EV7 does not infect the tested tumor cells via binding to $\alpha 2\beta 1$ and causes oncolysis of the tested tumor cells.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Antony M. Novom on Oct. 23, 2008.

Art Unit: 1648

The application has been amended as follows:

Claim 1 (current amended). In line 3 after "recognizes" please insert ----integrin --

Claim 2 (current amended). In line 3, please delete "is" and insert --- has --- and after "different" please insert --- serotypes ---

Claim 3 (current amended). In line 2 please substitute "comprising an " with --- maintains the ---

Claim 14 (current amended). In line 2 after "expression of" please insert ---- integrin --

Claim 36 (current amended). In line 2 and line 6 after "expressing " please insert - ---integrin –

Claim 37 (current amended). In line 2 please substitute "comprising an " with --- maintains the ---

Claim 42 (current amended). In line 2 after "expression of" please insert ---- integrin –

Please cancel claims 16-35, and 50-62.

Claims 1-5, 7-15, 36-39 and 41-49 are allowed.

2. The following is an examiner's statement of reasons for allowance: No prior art teaches or suggests that certain serotypes of Echoviruses that are capable of binding to integrin $\alpha 2\beta 1$ can specifically kill cancer/tumor cell that has a high level of integrin $\alpha 2\beta 1$ expression.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 1648

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BAO LI whose telephone number is (571)272-0904. The examiner can normally be reached on 6:30 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on 571-272-0974. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bao Qun Li/

Examiner, Art Unit 1648

/Bruce Campell/

Supervisory Patent Examiner, Art Unit 1648